

**HAMPTON ZONING BOARD OF ADJUSTMENT  
MINUTES  
November 17, 2011**

**Members Present**

Bill O'Brien, Chairman  
Vic Lessard  
Tom McGuirk  
Ed St. Pierre  
Bryan Provencal

**Others Present**

Joan Rice, Secretary

Chairman O'Brien called the meeting to order at 7:00 p.m.

Chairman O'Brien introduced the members of the Board.

The Pledge of Allegiance was said.

**PETITION SESSION**

**38-11** The petition of Ocean Echo Properties, LLC for property located at 28 Dover Avenue seeking relief from Article 1.3 and Article IV, Section 4.5.2, to reconstruct roof on structure adjacent to Dover Avenue. Footprint of the building shall not be enlarged and the building shall be brought up to existing building codes. This property is located on Map 296, Lot 160 in a RA Zone.

Ronald Plourde, petitioner, came forward. He said he wanted to reconstruct the roof of one of the cottages on this property and correct all problems with the present buildings, i.e., bring the buildings up to existing building codes. Mr. Plourde went through the five criteria and said he felt they had been met.

*Questions from the Board*

There were no questions from the Board.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. McGuirk and seconded by Mr. St. Pierre, to grant Petition 38-11.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

**VOTE:** 5-0-0. Motion passed unanimously.

**39-11** The Petition of Joseph McNamee and Shelah Mahoney for property located at 35 Ocean Drive seeking relief from Article IV, Section 4.1.1 to build a new single family home on a lot that has been of record since prior to March 10, 1970 where the lot does not meet the lot area per dwelling unit requirements. This property is located on Map 305, Lot 38 in a RA Zone.

Attorney Peter Saari, Casassa & Ryan, came forward. He said it would not be in the public interest to deny this petition because the houses surrounding this property are the same size as the proposed home. Attorney Saari said 4.1.1 is designed to prevent overcrowding and adding another single family home is reasonable. Attorney Saari went through the five criteria and said he felt they had been met.

Chairman O'Brien discussed 4.1.1 and stated that he and Kevin Schultz had talked to Jamie Steffen, the Town Planner, questioning the necessity for ZBA approval of 4.1.1 for existing lots of record prior to 1990. As a result, an amendment to modify section 4.1.1 of the zoning ordinance has been proposed. Once approved by the Planning Board and by Town vote, these rare cases will no longer have to come before this Board.

*Questions from the Board*

There were no questions from the Board.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Chairman O'Brien asked how high the garage slab would be above the grade plane. Attorney Saari said it will be 6 inches above the plane. Chairman O'Brien said in looking at the plans, the peak of the roof may be over 35 feet and that it would be necessary to chop off the top to keep it below 35 feet. Attorney Saari said they will ensure they are below 35 feet as measured from the grade plane.

Chairman O'Brien asked if the shed shown on the existing plot plan and not the proposed plot plan is going to be removed. A representative from TMS Architects said it was the neighbor's shed. Attorney Saari said he would address this matter with the neighbor.

Chairman O'Brien asked if there would be central air conditioning. The TMS architect said there would be and the unit would be inside of the setbacks on the beach side since there is no room on the other three sides, unless a variance is sought.

**Moved** by Mr. Lessard and seconded by Mr. Provencal, to grant Petition 39-11 subject to the air conditioning being placed where it is allowed without a variance. The roof will be kept below 35 feet as measured to the average grade plane. The neighbor will be informed that there is an encroachment and a good faith effort will be made to have it removed.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

**VOTE:** 5-0-0. Motion passed unanimously.

**40-11** The petition of Liz Collins for property located at 50 Moulton Road seeking relief from Article 1.3 and Article IV 4.5.2 to allow a 35 x 7 farmers porch having 10" poly columns and composite decking. This property is located on Map 177, Lot 26 in an RA Zone.

Liz Collins, Petitioner, and Dustin Marzinzik came forward. Mr. Marzinzik said adding the farmers porch is a reasonable use of the property and will be an attractive addition to the neighborhood. Mr. Marzinzik went through the five criteria and said he felt they had been met.

*Questions from the Board*

There were no questions from the Board.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. Lessard and seconded by Mr. McGuirk, to grant Petition 40-11.

Chairman O'Brien asked the Board if they felt the five criteria had been met. All members agreed that they had.

**VOTE:** 5-0-0. Motion passed unanimously.

**41-11** The Petition of Terrence and Kelly Connor for property located at 16 Babcock Avenue seeking relief from Article 1.3 and Article IV Section 4.5.1 in order to expand an existing single-family home on a lot of record that would not conform to the front setback requirements. The property is located on Map 281, Lot 59 in an RB Zone.

Attorney Peter Saari and Joe Coronati, Jones & Beach Engineering, came forward. Attorney Saari said the owners have the intention of making the house more livable and creating a

first floor living space for their mother. It is too small for a year-round home. Therefore they wish to expand. Most of the lots on their street are set back the same distance they want to achieve. The character of the neighborhood would stay the same.

Mr. Coronati discussed the existing and proposed site plan renderings. The existing lot has a sloped and paved embankment. The driveway is gravel. There is also an existing second foundation on the lot. The second foundation, gravel driveway, and paved embankment area would be removed. A new eco-paver driveway would be installed and three or four stairs added at the entrance of the added living space. About 800 feet of impervious area would also be affected.

Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. St. Pierre asked if they had talked to the Conservation Commission. Mr. Coronati said they will have to go before the Planning Board and obtain wetlands permits; therefore they will also have to appear before the Conservation Commission. Mr. Coronati also indicated that State permits would be required.

Chairman O'Brien said the new NH laws regarding the Shoreland Protection Act state that you cannot go closer to the wetlands than existing structure setbacks and suggested moving the deck to the side of the house so that it is not closer to the wetlands than the existing structure. Mr. Coronati said they would like to find out how decks are treated when they meet with the Conservation Commission.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. McGuirk and seconded by Mr. Provencal, to grant Petition 41-11.

Chairman O'Brien asked the Board if they felt the five criteria had been met. The members agreed that they had.

**VOTE:** 5-0-0. Motion passed unanimously.

**BUSINESS SESSION**

**Adoption of the Minutes**

It was decided to table the approval of the Minutes of October 20, 2011 until the next meeting on December 15, 2011.

Chairman O'Brien said he had received a letter from Seaborne Condo Assn. making a plea to the Board on an application that has not been filed. They also want to be informed of any public meetings or hearings on this application. Chairman O'Brien said he wanted to publically respond to the request. He stated, per the ZBA Rules of Procedure and the RSA's, all direct abutters receive a certified letter at least five days in advance of any meeting so they can participate. Public Notice is done by posting the ZBA agenda at least 10 days in advance of the meeting in a local newspaper publication (usually the Hampton Union, occasionally the Portsmouth Herald); on-line; and at the Town Hall, Library and Beach Fire Station. If you are not a direct abutter, it is incumbent upon you to review the ZBA agenda in the local newspaper or at one of the public posting venues.

Chairman O'Brien said he received a letter from Attorney Ells asking for a rehearing on Petition 34-11, 15 Mace Road. It was the consensus of the Board that a meeting be held to render a decision for the rehearing for Petition 34-11 on Thursday, December 22, 2011, at 7:00 p.m. in the Selectmen's Meeting Room.

**Adjournment**

There being no further business, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Joan Rice  
Secretary